

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 3433 - SB 3498

February 8, 2010

SUMMARY OF BILL: Declares that every person has the right to decline or choose any mode of securing health care services without penalty or threat of penalty and prohibits any public official, employee, or agent of the state or any of its political subdivisions from imposing, collecting, or effectuating any penalty for an individual practicing this right. Requires the Attorney General to seek an injunction and defend this policy in the event that any law or regulation violating this right is enacted by any government, subdivision, or agency.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Assumptions:

- The bill requires that the Attorney General's Office oppose through litigation any federal health care law that would require individuals to have a minimum level of health insurance. One basis of the litigation would be a challenge to the constitutionality of any such federal law. Tennessee would enter into this litigation either individually or in conjunction with other states.
- This litigation can be handled within existing resources of the Attorney General as part of the Attorney General's responsibility to protect the state's legal interests.
- Since the federal government has not enacted any type of health care law requiring individuals to have a minimum level of health insurance and the terms of any such law are not known, the impact on state expenditures of not litigating the constitutionality of such law cannot reasonably be determined.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White".

James W. White, Executive Director

/kml